

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

JACOB DOUGLAS PEYTON,

Plaintiff,

V.

HAROLD CLARKE, ET AL.,

Defendants.

Case No. 7:23CV00709

OPINION

JUDGE JAMES P. JONES

Jacob Douglas Peyton, Pro Se Plaintiff.

The plaintiff, a Virginia inmate proceeding pro se, filed this civil rights action under 42 U.S.C. § 1983 in October of 2023. He applied to proceed in forma pauperis to the extent that he could pay the \$350.00 filing fee via installments from his inmate trust account, pursuant to 28 U.S.C. § 1915(b), part of the Prison Litigation Reform Act (PLRA). On November 1, 2023, the court received the plaintiff's notice of address change that indicates he has been released from custody. As such, he is no longer subject to the provisions of the PLRA, which allowed him to pay the \$350.00 filing fee via installments.

An Order entered on November 3, 2023, directed the plaintiff to submit, within thirty days from that date, the filing fee owed and the applicable administrative fee, a total of \$402, or to otherwise respond to the court. The Order

advised that a failure to comply within the time limits set out in the order would result in dismissal of this action without prejudice. The deadline the court set for the plaintiff's response has passed, and he has had no further communication with the court. Therefore, I will dismiss the action without prejudice for failure to prosecute.

An appropriate Order will issue herewith.

DATED: December 8, 2023

/s/ JAMES P. JONES
Senior United States District Judge